THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.6615 of 2005

DATED:17.03.2006

Between:

Jampana Venkata Krishnam Raju ..Petitioner

And

The Revenue Divisional Officer, Rajahmundry, East Godavari District. and others.

..Respondents

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.6615 of 2005

ORDER:

The land admeasuring Acs.4-10 cents in R.S.No.330/6E, situated at G.Yerrampalem Village, Rajanagaram Mandal, East Godavari District, was assigned to the petitioner's mother in the year 1970 by way of a D-Form patta. After her demise, the petitioner herein executed a perpetual lease deed on 28-08-1993 for a period of 99 years in favour of the third respondent. It appears, the second respondent, namely, the Mandal Revenue Officer, Rajanagaram, initiated action under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 ('the Act', for brevity), and resumed the land from the transferee in contravention of the provisions of Section 3(1) of the Act. The petitioner, in this writ petition, seeks a direction to the second respondent to restore the resumed land to him as a legal heir in accordance with Section 4(1)(b) of the Act.

Though interlocutory matters are listed, the writ petition itself is being disposed of finally with the consent of the parties.

Respondents 1 and 2 have filed counter-affidavit. The fact that the claim of the petitioner was not considered for restoration is not denied. The counter-affidavit filed by the third respondent discloses that the petitioner again allegedly sold the land under an agreement of sale,
dated 20-02-2005, to one B. Vijaya Kumari of G.Yerrampalem village, for a sale consideration of Rs.1,50,000/- and allegedly accepted a sum of Rs.1,40,000/-, as advance. Therefore, the third respondent disputes the claim of the petitioner for restoration of the land under Section 4(1)(b) of the Act.

A copy of the proceedings, dated 24-01-2001, issued by the second respondent, is placed before this Court. The same would show that in exercise of powers under Section 4(1)(a) of the Act, the Mandal Revenue Officer while resuming the land to the Government directed to take possession of the assigned land in contravention of the provisions of the Act. Though a passing reference is made to the claim of the petitioner, there was no proper consideration of the claim of the petitioner as an alleged legal representative of the deceased assignee in accordance with Section 4(1)(b) of the Act. Therefore, if any opinion that may be expressed by this Court regarding the right of the petitioner to claim restoration would cause prejudice to him as well as respondents. Instead, the matter is remitted to the second respondent-

Mandal Revenue Officer for fresh consideration as to the claim of the petitioner under Section 4(1)(b) of the Act. While doing so, it shall be open to the third respondent to consider the objections of any person that may be placed before him. The exercise may be completed within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

_____

(V.V.S.RAO,J)

Dated:17.03.2006

GJ